



LIVE! On Broadway . . . Jury Summit 2001!

## New York Hosts Historic First Summit on Jury System Innovation

JANE MCCREA

More than 90 percent of the world's jury trials take place in the United States. In fact, no other concept is emphasized as much in the U.S. Bill of Rights as the right to a trial by a jury of one's peers. The American judicial system is unique in involving its citizens directly in the judicial process. Why is it, then, that so many individuals are reluctant to serve as jurors? And what can be done to improve juror yields, the juror experience, and ultimately the

administration of justice in our courtrooms?

These issues and others were at the heart of Jury Summit 2001, a conference that took place in New York City January 31 through February 3. The summit—described by Judith S. Kaye, Chief Judge of the State of New York, as the “first ever in the history of the world”—provided a forum for sharing news of jury system improvements that are being implemented throughout the country and for inspiring continued innovations. The summit was co-hosted by the State of New York Unified Court System and the National Center for State Courts (NCSC) and was sponsored by the Conference of Chief Justices, the Conference of State Court Administrators, the American Judges Association, and the National Association for Court Management.

Approximately 400 individuals, representing 45 states, Japan, and Puerto Rico, attended Jury Summit 2001. Participants included state and federal judges, jury commissioners, court administrators, attorneys, former jurors, and state bar association representatives.

The goal of the summit's organizers was to use the conference to explore ways of ensuring that jury selection is fair and not overly burdensome for citizens and that jury administration is carried out in ways that lead to effective decision making by jurors. Educational sessions covered a wide range of jury innovation topics, including jury selection methods, jury summonses, communicating with jurors, effective voir dire practices, reducing hardship, court support and education programs, juror privacy, and jury instructions.

Among the key players at the conference were Chief Judge

Kaye, NCSC President Roger K. Warren, and G. Thomas Munsterman from the Research Division of the NCSC. Guest speakers included such notable jurors as New York City Mayor Rudolph Giuliani and *CBS News* Anchor Dan Rather.

### CALIFORNIA JURY INNOVATION

Like many of the nation's state judicial systems, California's courts are responding to the need for jury innovation and improvement. In 1996 the Judicial Council's *Blue Ribbon Commission Report* proposed numerous improvements in jury administration. Since that time, improvements in jury systems have occurred at both the state and local levels. Major statewide changes have included the adoption of the one-day/one-trial system of jury service in 1999 and an increase in jury pay to \$15 per day effective July 1, 2000. The Judicial Council's Task Force on Jury System Improvements has undertaken juror education projects such as the creation of the California Juror Web page and a soon-to-be-released juror orientation video. In addition, the Judicial Council's Task Force on Jury Instructions recently drafted and circulated for comment a new set of “plain English” jury instructions.

Throughout the summit, presenters offered many examples of state courts nationwide that have made significant strides in improving jury administration, including those in California. Representatives of six local courts in California made presentations, highlighting some of the important efforts to improve jury administration to date. Those presenters included Judge Judith C. Chirlin, Superior Court of Los Angeles County; Judge Jacqueline Connor, Superior Court of Los

## Unification Unanimous



On February 8, Chief Justice Ronald M. George swore in the state's four remaining municipal court judges to the Superior Court of Kings County, thereby officially unifying the last of California's 58 trial courts. (Left to right) Superior Court Judges Charles R. Johnson, George Orndoff, Ronald Maciel, and John G. O'Rourke exchanged congratulations after being sworn in by Chief Justice George. *Photo: Leticia Heafey*

Angeles County; Jury Commissioner Gloria Gomez, Superior Court of Los Angeles County; Chief Assistant Executive Officer Sherry Carabello Dorfman, Superior Court of Contra Costa County; Deputy Executive Officer and Deputy Jury Commissioner Annette Kirby, Superior Court of San Joaquin County; and Judge Dallas Holmes, Superior Court of Riverside County, chair of the Judicial Council's Task Force on Jury System Improvements.

Judge Connor discussed innovations that the Superior Court of Los Angeles County has implemented in 10 of its courtrooms. These include using juror identification numbers in criminal cases to protect jurors' identities; allowing jurors to submit written questions during the trial; presenting opening statements to the entire venire before voir dire; and providing jurors with individual copies of preliminary instructions, notebooks with selected materials, and individual copies of final instructions.

Judge Chirlin outlined important changes in her courtroom  
*Continued on page 6*

## IN THIS ISSUE

JURY SUMMIT 2001	1
MESSAGE FROM THE CHIEF JUSTICE	2
COUNCIL APPROVES SEXUAL ORIENTATION REPORT, BUDGET PRIORITIES	3
BUDGET TIMELINE	3
NEW AOC REGIONAL DIRECTOR	3
IN THE NEWS	4
SACRAMENTO UNVEILS E-FILING	4
VENTURA'S JUROR BUSINESS CENTER	4
AOC IMPROVING DATA COLLECTION	5
SMALL COUNTY MINI-GRANTS	5
COUNTY PROFILE	5
JUDICIAL SELECTION SUMMIT	6
CMS CERTIFICATION POLICY	7
CALIFORNIA COURTS WEB SITE	7
CJAC 2001	8
MESSAGE FROM AOC'S EDUCATION DIRECTOR	9
ON-AIR DISTANCE EDUCATION	9
Q&A WITH JUSTICE RICHARD D. ALDRICH	10
THREE-STRIKES NETWORK	11
PROP. 36 UPDATE	11
WATCH ON WASHINGTON	12
AOC SCHOLAR-IN-RESIDENCE	12
NATIONAL AWARD NOMINATIONS	12
EDUCATION & DEVELOPMENT	13
COURT BRIEFS	14
CALENDAR	16

## Spotlight on Judicial Education

One of the constants in the law is that the law is not constant at all; rather, it continues to evolve by incorporating new statutes, case law, and propositions. Judicial administration is also dynamic. Judicial leaders continually reinvent and improve the ways in which their courts do business and serve their communities.

Judicial education offers judges, court administrators, and others

involved in the judicial system the opportunity to stay abreast of ever-changing rules and developing business models. On pages 8 and 9 of this issue, *Court News* takes a look at some of the educational opportunities the AOC's Education Division/Center for Judicial Education and Research provides for the trial courts. Included are highlights of the 2001 California Judicial Administration Conference and a feature on distance education programs.





Chief Justice  
Ronald M.  
George

#### MESSAGE FROM THE CHIEF JUSTICE

## Advances in Judicial Administration

*On February 1, Chief Justice Ronald M. George welcomed the participants in the 2001 California Judicial Administration Conference (CJAC) in San Diego with a retrospective look at California's judicial system. His remarks touched on the history of the system, recent accomplishments in judicial administration, and plans for the future of the courts. Following is an excerpt from that address.*

It is a cliché to say we live in a remarkable age—but it is impossible to characterize it as anything else. The pace and breadth of the changes, both external and internal to the judicial branch, are unprecedented. Fifteen years ago, fax machines were still a novel fad, not an indispensable piece of office equipment. The Internet as we know it had yet to be imagined. “Rocket docket,” automated caseload management systems, and e-filing were not even a theoretician’s dream. The phrase *paperless courts* might conjure up, at most, the image of a clean desk. *Self-help* suggested do-it-yourself projects in the garage, not centers designed to assist pro per litigants. The words *drug courts* were an appropriate pejorative for the overwhelming impact the crack epidemic was having on our entire justice system, instead of a description of courts actively addressing the problems caused by drug users and the needs of those individuals. And, although it seems inconceivable today, the professionalization of trial court administration and the recognition of the need to plan in order to serve the public effectively were no more than rudimentary movements barely beginning to take shape in a few venues.

In the ensuing years, every aspect of how we administer justice has undergone close scrutiny, has felt the impact of new technology, and has been reshaped in response to the expectations and needs of our communities. Basic, systemwide changes already have profoundly affected how courts operate.

#### STATE FUNDING

For example, the institution of a system for state funding of the trial courts has completely altered the mechanisms used to obtain and allocate resources. Just a few years ago, adequate and consistent funding for all trial courts was a pipe dream—but we now have the structure in place that has made it a reality. This development alone has allowed us to learn from each other, to use our resources effectively, and to plan for the future.

#### TRIAL COURT UNIFICATION

Of equal significance, trial court unification has realigned the very structure of the courts as they make use of those state-provided resources. Let me pause here for a moment to celebrate with you the final step in achieving the full unification of our trial courts in California. Just last week, Kings County’s judges joined their peers in the 57 other counties of California in deciding to unify their municipal and superior courts. Their decision followed closely upon the federal government’s grant of clearance under the federal Voting Rights Act.

I look forward with great pleasure to going down to Hanford on February 8 to swear in the last four municipal court judges among California’s 1,610-judge judiciary. This swearing-in ceremony will mark the end of a two-tier trial court system in our state. Two and a half years after the people adopted Proposition 220, permitting unification of the courts, every court in each county has embraced the opportunity, and we now have 58 trial courts instead of more than 200. I congratulate Kings County in following a path that in court after court has permitted more flexible use of judicial and administrative resources, resulting in better service to the public, more opportunities for experimentation, and more savings for California taxpayers. I congratulate all of you for participating in this monumental transition. The improvements we have seen thus far promise even greater accomplishments in the future.

State funding and trial court unification redrew the outlines of our court system. What we do now and in the future with this new landscape is ours to determine in large part, and already we are seeing the benefits of some of the decisions made.

#### ACCESS AND FAIRNESS

Our focus on access and fairness has extended the reach of trial court programs and the availability of courts. Listening

to the public, responding when we can, educating people about the role of an independent judiciary—all are vital components in maintaining public trust, confidence, and support. Courts have expanded their historic role by establishing drug courts, domestic violence courts, and other therapeutic forums. In developing these programs, courts are working closely with others in the justice system to try to solve underlying problems in order to prevent recurrences, rather than being relegated to dealing with the aftermath of these problems through formal adjudication.

#### JURY SERVICE

We now are paying closer attention to jurors—not as random individuals ordered to fill a jury box, but as citizens who deserve to be respected for fulfilling their public duty. Whether it is by increasing their pay, by valuing their time through one-day/one-trial jury service, or by providing them with jury instructions written in user-friendly lay language, we have changed the way we treat these important contributors to our system of justice. As a result, we are seeing increased responses to jury summonses.

#### TECHNOLOGY

Technology has begun to occupy a pervasive role in the courts, as it has in society at large. There are many ways in which the application of technology can have a wide impact on the way courts operate. It can assist us in managing a more complex caseload, help us understand how cases progress through the system, and reveal where the problems lie. Technological services can identify what we are doing well and what can be improved. And the wide range of options afforded by technology can open new ways to communicate with other agencies and individuals interested in the administration of justice, including law enforcement, the bar, probation offices, social services, litigants, and, of course, the community at large.

The possibilities afforded by technology highlight the importance of evaluating how we do business with a fresh and open attitude. Will we be making the most of the new tools available if we simply impose them on an existing paper-and-ink-based system? We must decide what to do differently now that we have the means to do so. The basic challenge facing us is to determine what we should preserve, what we should discard, and what we should reform and adapt.

#### COURT AND COMMUNITY PLANNING

But the change in our court system runs deeper than new fiscal systems, a new structuring of our court system, and new information technology. The change encompasses a cultural shift in the court community, as well. Of course, our branch is still guided by precedent in the application of the law, but it now also strongly encourages innovation, collaboration, and planning and emphasizes the inclusion of others in the process.

As this conference demonstrates, we understand that success derives from the combined efforts of many. We are cultivating collaborative ventures that reach out in many directions. They include partnerships between judicial officers and administrators and staff within a single court as well as across county lines and in various local, regional, and statewide combinations. Courts are working in new ways with other parts of the community, including bar associations, county government, public defenders and prosecutors, schools, and local organizations.

Beyond a willingness to work with a broader community, a component of this cultural change has been the focus on developing leadership within our branch. Courts are taking charge of their future rather than letting others do it for them. With so much already having been accomplished through the extraordinary work of individuals in courts across this state, the challenge for this conference is to build on those achievements. By focusing on trends that will affect our branch, analyzing potential outcomes, selecting where we want to go, and developing strategies to get there, you, as leaders in the courts, will ensure that we all will contribute to enhancing this legacy.

On May 1, I shall have served as Chief Justice of California for five years. The progress that our branch has made during that time is the product of extraordinary efforts by individuals throughout the state and at all levels of the court system. Time and again, I have been impressed and inspired by the thoughtful contributions and dedicated service of the individuals who work in our system.



Judicial Council Action

Council Acts to Improve Courts’ Sexual Orientation Fairness

The most comprehensive report to date on sexual orientation and the courts concludes that most lesbians and gay men believe that they are treated the same as everyone else in their contact with the courts. Despite this generally positive finding, *Sexual Orientation and Fairness in the California Courts* also suggests that the experiences of many gay men and lesbians in the courts are much less favorable when they have more than brief contact with the courts and when sexual orientation becomes an issue in court contact.

The report is the culmination of years of study and groundbreaking research directed by the Subcommittee on Sexual Orientation Fairness of the Judicial Council’s Access and Fairness Advisory Committee. The subcommittee presented the results of the study at the council’s business meeting on January 31 in San Diego.

According to Superior Court of Los Angeles County Judge Jerold Krieger, chair of the Subcommittee on Sexual Orientation Fairness, “the study shows that there is both a perception and, in some cases, actual disparate treatment based upon sexual orientation.”

Speaking at the council meeting, Judge Krieger noted that, “through the dissemination of the report and a public showing of the council’s concern, a tone will be set within the courts that will help to eliminate bias.”

The key findings of the report include the following:

- Most lesbian and gay court users believed that they had been treated the same as everyone else at the court and treated with respect by those who knew their sexual orientations.
- Fifty-six percent of the gay and lesbian respondents had experienced or observed a negative comment or action toward gay men or lesbians.
- One out of every five court employee respondents reported that they had heard derogatory terms, ridicule, snickering, or jokes concerning gay men or lesbians in open court, with the sources most frequently being judges, lawyers, or court employees.
- Fifty-six percent of gay and lesbian court users who found themselves in a situation in which sexual orientation became an issue did not want to state their sexual orientations, and 38 percent felt threatened in the courtroom setting because of their sexual orientations.
- Twenty-nine percent of gay men and lesbians who found themselves in a situation in which sexual orientation became an issue believed that someone else had stated their sexual orientations without their

approval, and 25 percent felt forced to state their sexual orientations against their will.

In addition to its recommendations to the Judicial Council, the subcommittee made separate recommendations to the Center for Judicial Education and Research on education and training of judges and court staffs, as well as recommendations to the Access and Fairness Advisory Committee on assisting courts in eliminating barriers to fairness, achieving diversity within the courts, and conducting future research.

**OTHER ACTIONS**

In other actions, the council:

- Adopted a long-range plan recommended by the Governing Committee of the Center for Judicial Education and Research. The plan sets forth the development of educational programs, publications, and other services based on the needs of judicial officers and court staffs.
- Agreed to sponsor legislation to bring procedural requirements up to date with changes in the law and court structure.
- To obtain the full text of *Sexual Orientation and Fairness in the California Courts*, visit the California Courts Web site at [courinfo.ca.gov/programs/access](http://courinfo.ca.gov/programs/access).

**Council Approves Budget Priorities For Trial Courts**

At its February 23 business meeting, the Judicial Council acknowledged that technology, court security, and administrative services will be among the spending priorities for California’s 58 trial courts during fiscal year 2002–2003.

By amending and adopting recommendations submitted by the Trial Court Budget Commission, the council approved priorities that will guide trial courts in preparing their countywide budgets. These priorities follow.

- Administrative services: Human resources and various business and fiscal services at existing service levels.
- Court-appointed counsel: Increases in pay rates and workloads for mandated services, including guardians ad litem.
- Children and family: Case processing, mediators, evaluators, and investigators in family, juvenile, mental health, and probate cases; Court Appointed Special Advocates; and Family Code section 3150 cases.
- Court Interpreters: Workload funding and pay rate increases.
- Court staffing: Staff needs resulting from workloads and trial court unification.

- Jury: A per diem increase to \$20 or \$25 for second and subsequent days of juror service, using existing resources if possible.
- Pay parity: Requests related to trial court unification.
- Records management: Costs related to technology, equipment, staff, and off-site storage.
- Security: Costs allowable under rule 810 of the California Rules of Court. Only confirmed contracts for employees’ negotiated salary increases to be implemented during fiscal year 2002–2003 will be considered.
- Technology: Planning, court management systems, infrastructure, telecommunications, and communication and information standards.

**ONE-DAY/ONE-TRIAL**

At the February 23 meeting, the council acted on the one-day/one-trial exemption requests from the Superior Courts of Alpine and Los Angeles Counties—the least and most populated counties in the state, respectively. The one-day/one-trial rule is designed to allow a juror to fulfill his or her annual jury duty either in one day or for one trial. Because of their counties’ sizes, both superior courts face unique challenges in implementing the rule, which went into effect January 1, 2000. At Friday’s meeting, the council:

- Approved a recommendation granting the Superior Court of Alpine County a five-year exemption from full implementation of the one-day/one-trial rule, with the understanding that the court will operate such a program to the best of its ability, given the county’s population restraints.
- Approved a recommendation requiring the Superior Court of Los Angeles County to prepare a report on the status of its countywide one-day/one-trial implementation at the end of its previously approved two-year exemption period on December 2, 2001. (The superior court has expanded the one-day/one-trial program throughout its 33 branches, with 20 districts having fully implemented the program.)

**OTHER ACTIONS**

In another action, the council:

- Approved the allocation of \$300,000 from the Trial Court Improvement Fund for local courts to develop strategic plans to serve self-represented litigants. The council also approved the allocation of \$75,000 from the Judicial Administration and Efficiency and Modernization Fund to pay start-up costs for three courts that are setting up self-help programs with Equal Access Fund Partnership Grants in partnership with legal services projects. ■

Next Steps For State Budget

As we reported in the January–February issue of *Court News*, Governor Gray Davis released his proposed 2001–2002 budget. Outlined below are the next steps in the budget process.

**CALIFORNIA STATE BUDGET TIMELINE**

**January 10**  
Governor releases budget proposal.

**January–February**  
Proposal introduced in the Assembly and Senate as identical budget bills.

**March–May**  
Subcommittee hearings.

Amendments reflect changes made in each house’s subcommittee.

**May–June**  
Each house votes on its version of the budget bill.

Differences are resolved by the Joint Conference Committee.

Governor releases “May revise.”

Final version is voted on by both houses.

**June 15–July 1**  
Governor’s action.

Ventura CEO Appointed to New Post

Effective May 1, 2001, the Administrative Office of the Courts (AOC) has appointed Ventura County Court Executive Officer Sheila Gonzalez its regional administrative director of Southern California.

In this newly created position, Ms. Gonzalez will serve as the liaison between the AOC and the Southern California trial courts in regard to major administrative issues, including technology, finance, and human resources. She will work with 10 counties: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

“I am honored to be given the opportunity to help create and manage the AOC’s first regional office,” says Ms. Gonzalez. “My goal is to become a valuable resource, partner, and advocate for the Southern California courts so we can work together to further their goals and those of the Judicial Council.”

The AOC will soon open its Southern California regional office in Burbank and plans to establish a Northern California regional office in Sacramento. These regional offices will serve to improve communication and mutual support between the AOC and the trial courts.

“I worked with Sheila when she and I were both members of the Judicial Council, and I gained respect for her abilities,” says James Bascue, Presiding Judge of the Superior Court of Los Angeles County. “Any assistance that she can provide in furthering our working relationship with the AOC will be greatly appreciated.”

In addition to her duties as a court administrator, Ms. Gonzalez is a mem-

ber of various statewide judicial committees, including the Judicial Council’s Trial Court Budget Commission, Probation Services Task Force, and Court Executives Advisory Committee, the latter of which she chaired for two years. She also is a member of the Attorney General’s Advisory Committee on Criminal History and Identification Improvements and SEARCH—the National Task Force on Court Automation and Integration.

Ms. Gonzalez has received numerous awards for excellence in court administration, including the 1999 Ernest C. Friesen Award of Excellence from the Justice Management Institute, the 1997 Award of Merit from the National Association for Court Management, the 1995 Judicial Council Distinguished Service Award, and the 1993 Warren E. Burger Award presented by the National Center for State Courts.

Ms. Gonzalez, who began her career as a court clerk in the Glendale Municipal Court in 1968, became the executive officer and clerk of the Ventura County Municipal Court in 1986. She has served as court executive officer, clerk, and jury commissioner of the Superior Court of Ventura County since 1989, when the administrations and staffs of the superior and municipal courts combined. Ms. Gonzalez also served on the Board of Governors of the National Center for State Courts from 1993 to 1999 and was president of the National Association for Court Management from 1994 to 1995.



Sheila Gonzalez